

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLENIX MARTIN,

Plaintiff,

v.

UNKNOWN HURST, C/O,
UNKNOWN NELSON, C/O, and
UNKNOWN KOEHLER, Sgt. Of
Omaha Correctional Center -
Department Of Corrections,

Defendants.

8:07CV445

**MEMORANDUM AND
ORDER**

Plaintiff filed his Complaint in this matter (filing no. 1) while he was incarcerated at the Nebraska State Penitentiary. Plaintiff also filed a Motion for Leave to Proceed In Forma Pauperis (“IFP”) while he was incarcerated. (Filing No. 2.) The court previously granted Plaintiff’s Motion for Leave to Proceed in Forma Pauperis (“IFP”). (Filing No. 8.) Plaintiff still owes \$345.45 of the court’s \$350.00 filing fee. The Plaintiff has filed a notice of change of address indicating that Plaintiff has been released from custody. (Filing No. 12.)

Since Plaintiff is no longer incarcerated, he must now file a new Application for Leave to Proceed IFP if he wishes to continue pursuing this case in forma pauperis. *See, e.g., McGann v. Comm’r, Social Security Admin.*, 96 F.3d 28, 30 (2d Cir. 1996) (“A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.”). Plaintiff may, in the alternative, pay the remaining \$345.45 filing fee. However, if Plaintiff fails to either file a new IFP application or pay the remaining \$345.45 filing fee by April 4, 2008, this case will be subject to dismissal without further notice.

IT IS THEREFORE ORDERED that:

1. The Clerk of the court shall send to Plaintiff Form AO 240, "Application to Proceed Without Prepayment of Fees and Affidavit."
2. By April 4, 2008, Plaintiff shall either file a new Application to Proceed In Forma Pauperis or pay the remaining \$345.45 filing fee. If Plaintiff fails to comply with this Memorandum and Order, this case may be subject to dismissal after April 4, 2008 without further notice.
3. Plaintiff is reminded to keep the court informed of his current address at all times while this case is pending; failure to do so could result in dismissal.
4. The Clerk of the court is directed to set a pro se case management deadline with the following text: April 4, 2008: deadline for Plaintiff to file new IFP application or pay filing fee.

March 6, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge